

Meeting Date: November 6, 2008

Agenda Item No. 15

Agenda Item: Nonresident Deer & Elk Tag/Outfitter Set-Aside Quotas Report **Approved by:** _____

Prepared by: Brad Compton

Background:

Historically, the Commission has established nonresident deer and elk tag and outfitter set-aside quotas in November. A moratorium prohibits state agencies from promulgating temporary administrative rules from November through the legislative session. This moratorium limits Commission authority to implement any changes to nonresident deer and elk tag or outfitter set-aside quotas for the 2009 season. For the 2009 quotas, the Department intends to implement no change from the Commission adopted 2008 quotas.

The Department will present recommended nonresident deer and elk tag and outfitter set-aside quotas for the 2010 season during the July 2009 Commission meeting.

The moratorium on when administrative rules can be promulgated has no affect on biological rules (hunting seasons) adopted by the Commission. Additionally, any changes to outfitter allocated elk zone tags or outfitter allocated controlled hunt tags may be implemented by the Commission during the normal March season setting process.

Statutory Authority and/or Policy Issues:

Idaho Code

36-408. COMMISSION'S AUTHORITY -- TAGS -- PERMITS -- NONRESIDENTS LIMITED -- OUTFITTERS SET-ASIDE.

(2) Limit -- Licenses, Tags or Permits -- Controlled Hunts. The commission is hereby authorized to establish a limit annually as to the number of each kind and class of licenses, tags, or permits to be sold or issued and is further authorized to limit the number or prohibit entirely, the participation by nonresidents in controlled hunts.

(3) Outfitters Set-aside. When the commission establishes a limit as to the number of nonresident deer tags and nonresident elk tags, it shall set aside annually a maximum of twenty-five percent (25%) of the nonresident deer tag and nonresident elk tag limit. The set-aside tags shall be sold pursuant to commission rule, only to persons that have entered into an agreement for that year to utilize the services of an outfitter licensed pursuant to chapter 21, title 36, Idaho Code.

In order for a person to purchase any set-aside nonresident deer tag or nonresident elk tag, that person's outfitter must submit an application with the proper fees as required by the director. If any nonresident deer tags or nonresident elk tags set aside pursuant to this subsection are unsold by July 1 of the year in which they were set aside, they may be sold by the department to the general public who are nonresidents. The commission may promulgate all necessary rules to implement the provisions of this subsection.

2008 Quotas

13.01.04.600. NONRESIDENT DEER AND ELK TAG QUOTAS.

01. Tag Quotas. The following number of deer tags and elk tags shall be set aside annually and reserved for sale to nonresidents:

- a. Fourteen thousand (14,000) regular or white-tailed deer tags;
- b. Twelve thousand eight hundred fifteen (12,815) A or B elk tags for all zones;
- c. One thousand five hundred (1,500) white-tailed deer tags;

13.01.04.500. NONRESIDENT DEER AND ELK TAG OUTFITTER SET-ASIDE.

01. Tags. The following number of nonresident deer tags and nonresident elk tags shall annually be set aside and reserved for sale to persons who have entered into an agreement to utilize the services of an outfitter who is licensed under Chapter 21, Title 36, Idaho Code. For the each hunting season:

- a. One thousand nine hundred eighty five (1,985) deer tags (regular or white-tailed);
- b. Two thousand four hundred (2,400) elk tags (A or B tags for all zones);

Public Involvement Process:

The Idaho Outfitters & Guides Licensing Board and the Idaho Outfitters & Guides Association have been consulted with.

Staff Recommendation:

None. This agenda item is to provide an update to the Commission on the new timing for promulgation of nonresident deer and elk tag and outfitter set-aside quotas, and quotas used by the Department for the sale of 2009 nonresident deer and elk tags beginning December 1, 2008.

Justification:

Information only.